

Attachment 13: TRCA Submission on ERO_019-5286, ERO_019-5287

April 29, 2022

BY E-MAIL ONLY (PlanningConsultation@ontario.ca)

Re: Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing (ERO #019-5286) & Seeking feedback on housing needs in rural and northern municipalities (ERO #019-5287)

Thank you for the opportunity to comment on these Environmental Registry (ERO) postings. TRCA conducts itself in accordance with the objects, powers, roles, and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Northern Development, Mines, Natural Resources and Forestry's Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

TRCA's role as a commenting body under the *Planning Act*, and pursuant to Memorandums of Understanding (MOUs) with partner municipalities, is separate and distinct from its regulatory role under the CA Act. However, TRCA's participation in the review and approval of development applications under the *Planning Act* helps to ensure that development approved under the *Planning Act* can also meet the regulatory requirements governing the issuance of permits under the CA Act.

In these roles, and as stated in the Ministry of Environment Conservation and Parks (MECP) "A Made-In-Ontario Environment Plan," conservation authorities work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Through MOUs and Service Level Agreements (SLAs), TRCA provides technical support to its provincial and municipal partners in implementing municipal growth management policies.

Government Proposal

We understand that the Province is undertaking this consultation as part of its larger consultation on Bill 109: *More Homes for Everyone*, which was passed by Ontario's Legislature and received Royal Assent on April 14, 2022. We further understand that this initiative builds upon a recent report by the Ontario Housing Affordability Task Force

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containing recommendations on how to address housing affordability in Ontario. Among the recommendations, we note that two opportunities to create additional housing typologies commonly known as “missing middle” are proposed:

- Allowing “as of right” residential housing up to four units and up to four storeys on a single residential lot, and
- Permitting “as of right” secondary suites, garden suites, and laneway houses province-wide.

Through ERO #019-5286, the Province is seeking specific input on best practices and how to support the creation of more “missing middle” housing forms, including multigenerational housing. Similarly, through ERO #019-5287, the Province is also seeking targeted feedback on ways to increase the range of housing supply in rural and northern municipalities through a range of land use planning and non-land use planning tools. It is understood that any specific policy proposals to address housing matters would be consulted on prior to the government making any additional changes. Lastly, we acknowledge that the Province intends to undertake an annual supply action plan over four years to develop new provincial policies beginning in 2022/23.

General Comments

TRCA generally supports the need to increase housing options and improve housing affordability in urban centres and rural and northern municipalities while maximizing infrastructure efficiency. TRCA also recognizes the importance of efficiency, certainty, transparency and accountability in planning and design review processes, so that development and infrastructure projects are timely, safe, and environmentally sustainable. To this end, the Province’s land use planning framework articulates where and how growth is to occur and identifies where growth should not take place to protect the agricultural land base and ecological and hydrological features. Moreover, pursuant to section 3.1 of the PPS, (and in accordance with TRCA’s Living City Policies), development and site alteration are generally prohibited within natural hazards (e.g., flood, erosion and slope instability). This is consistent with the PPS description of Special Policy Areas, which states that, “A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.”

TRCA is concerned where intensification (e.g., conversion or expansion of existing residential buildings to create additional residential units or accommodation) is proposed within or immediately adjacent to natural hazards given that it would increase the risk to life and property associated with the hazard where previously less risk existed. We assist our municipal partners in assessing, avoiding, remediating or mitigating these risks within the planning process as a commenting body, prior to Planning Act approvals and the issuance of building permits. In order to facilitate the timely approval of these proposals within the planning and permitting processes, both strong provincial policy direction and funding are needed. For instance, inadequate investment in the identification of hazardous areas, to determine where growth and intensification should not occur, can be a key barrier to building a range of housing forms and increasing housing supply in urban, rural and northern areas.

Therefore, increased provincial investment in natural hazards identification, management and remediation along with strong provincial policy direction and technical guidance to municipalities to engage partner CAs, would help ensure new development, redevelopment, or any form of intensification mitigates, remediates, or is safely sited outside of natural hazards. Doing so minimizes risk to life and property, while optimizing public-and private-sector time and resources for helping to increase the mix and supply of diverse housing types across the Province.

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We note that a good example of provincial technical guidance is the draft subwatershed planning guide recently developed by the Province through the Conservation Authorities Advisory Working Group. Further to this, CAs and the Province have discussed the need for updates to the provincial technical guides on natural hazards and the Special Policy Area Procedures to enable more efficient technical reviews. Finalization and approval of these guidance documents in tandem with the new planning tools for increasing housing supply would help facilitate the outcomes and shared objectives discussed above.

In light of the above, and in consideration of the discussion questions put forward through the subject EROs, TRCA recommends the following:

- 1) Future policy or other implementation mechanisms associated with the housing matters being consulted on, should explicitly reference section 3.1 of the PPS (Natural Hazards) as constraints that must be considered when formulating or updating policies, zoning and/or implementing legislative or regulatory requirements.**
- 2) Given the Province's commitment to prepare for the impacts of a changing climate, it is critical that the provincial Natural Hazard Technical Guides be updated and modernized to provide technical and policy guidance specific to flood risk and mitigation in the urban context. In addition, the provincial procedures related to Special Policy Areas should be updated, informed by lessons learned by CAs and municipalities from comprehensive updates undertaken since 2009.**
- 3) We encourage the Province to incorporate the feedback provided on the recently posted Proposed Subwatershed Planning Guide ERO #019-4978. The updated guidance would assist municipalities, CAs, the development industry and other agencies to define clear roles and responsibilities, streamline technical study requirements, compress timelines, provide certainty, and facilitate approvals for development.**

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

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Director, Policy Planning

BY E-MAIL

cc:

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